

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as)
an individual and as guardian)
ad litem, on behalf of S.M., a)
minor,)
Plaintiffs,)
v.) No. 6:20-cv-01163-MK
MARK DANNELS, PAT DOWNING,)
SUSAN HORMANN, MARY KRINGS,)
KRIS KARCHER, SHELLY MCINNES,)
RAYMOND MCNEELY, KIP OSWALD,)
MICHAEL REAVES, JOHN RIDDLE,)
SEAN SANBORN, ERIC)
SCHWENNINGER, RICHARD WALTER,)
CHRIS WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
DAVID ZAVALA, JOEL D. SHAPIRO)
AS ADMINISTRATOR OF THE ESTATE)
OF DAVID E. HALL, VIDOCQ)
SOCIETY, CITY OF COQUILLE,)
CITY OF COOS BAY, and COOS)
COUNTY,)
Defendants)

REMOTE DEPOSITION OF MARK DANNELS

VOLUME I

(Pages 1 through 150)

Taken on behalf of the Plaintiffs

July 14, 2022

<p style="text-align: center;">Page 2</p> <p>1 BE IT REMEMBERED THAT, pursuant to the 2 Oregon Rules of Civil Procedure, the deposition of 3 MARK DANNELS was taken by Aaron M. Thomas, Certified 4 Shorthand Reporter and Registered Professional 5 Reporter for Oregon, on July 14, 2022, commencing at 6 the hour of 9:02 a.m., via Zoom.</p> <p>7</p> <p>8 APPEARANCES:</p> <p>9</p> <p>10 MALONEY LAUERSDORF REINER PC Counsel for Plaintiffs 11 1111 East Burnside Street, Suite 300 Portland, OR 97214 12 acl@mhllegalteam.com jpuracal@forensicjusticeproject.org 13 By MR. ANDREW C. LAUERSDORF MS. JANIS C. PURACAL</p> <p>14</p> <p>15 LAW OFFICE OF ROBERT E. FRANZ, JR. Counsel for Defendants: City of Coquille, City of 16 Coos Bay, Coos County, Craig Zanni, Chris Webley, Eric Schwenninger, Sean Sanborn, Ray McNeely, 17 Kris Karcher, Pat Downing, Mark Dannels, Kip Oswald, Michael Reaves, David Zavala, Anthony Wetmore, 18 Shelly McInnes PO Box 62 19 Springfield, Oregon 97477 rfranz@franzlaw.comcastbiz.net 20 BY: MS. SARAH HENDERSON OREGON DEPARTMENT OF JUSTICE Counsel for Defendants: Oregon State Police, John 22 Riddle, Susan Hormann, Mary Krings, Kathy Wilcox 100 SW Market Street 23 Portland, OR 97201 jesse.b.davis@doj.state.or.us 24 BY: MR. JESSE B. DAVIS ////</p>	<p style="text-align: center;">Page 4</p> <p>1 EXAMINATION INDEX 2 Page 3 EXAMINATION BY MR. LAUERSDORF 5 4 *** 5 EXHIBIT INDEX 6 No. Item Page 7 1 Coquille Police Department 132 8 Leah Freeman - Organization 9 Chart CPO Q20001905 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">Page 3</p> <p>1 --oo-- 2 WOOD SMITH HENNING & BERMAN LLP Counsel for Defendants: Vidocq Society and Richard 3 Walter 12755 Southwest 69th Avenue Suite 100 Portland, Oregon 97223 5 kschaffer@wshblaw.com BY: KARIN L. SCHAFFER</p> <p>6</p> <p>7 ALSO PRESENT: Mr. Nicholas J. McGuffin</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">Page 5</p> <p>1 MARK DANNELS 2 having first been sworn by the Certified Shorthand Reporter, 3 testified under oath as follows:</p> <p>4</p> <p>5 EXAMINATION BY MR. LAUERSDORF: 6 Q. Okay. Mr. Dannels, my name is Andy 7 Lauersdorf. You and I have never met before. 8 Is that correct? 9 A. That is correct. 10 Q. You understand that I'm an attorney 11 representing the plaintiffs in this matter, which is 12 a lawsuit filed by Mr. McGuffin against a number of 13 defendants including yourself, correct? 14 A. Yes. 15 Q. For the record, we have -- well, I'll have 16 the other attorneys introduce themselves at this 17 point if they'd like to go ahead. 18 MS. HENDERSON: Yes, Sarah Henderson. I'm 19 here on behalf of the witness as well as the 20 remaining municipal -- individual municipal 21 defendants. 22 MS. SCHAFFER: Good morning, Karin 23 Schaffer on behalf of Richard Walter and Vidocq 24 Society. 25 MR. DAVIS: Jesse Davis on behalf of the</p>

2 (Pages 2 to 5)

AARON THOMAS COURT REPORTING - 503-961-5740

Exhibit 51, Page 2 of 17

<p style="text-align: center;">Page 74</p> <p>1 office, so even though I was up in Oregon as chief, 2 I came back every three months and worked in Arizona 3 for law enforcement here.</p> <p>4 Q. And how long did those work assignments 5 last when you went back every three months, how long 6 did you have to be in Arizona to fulfill your 7 certification obligations?</p> <p>8 A. Forty eight hours.</p> <p>9 Q. So every few months you'd go back and 10 work, what, two days?</p> <p>11 A. Two or three days. I'd work long hours to 12 get them in.</p> <p>13 Q. Okay. And the city manager was okay with 14 that arrangement?</p> <p>15 A. He was, yes.</p> <p>16 Q. And what did you tell them about when you 17 planned to return to Arizona to run for sheriff?</p> <p>18 A. I don't remember our exact conversation, 19 but I think my goal was three years, around three 20 years, and that was a tough decision. I enjoyed my 21 time up there, I enjoyed the people, I enjoyed the 22 community. They were good to me along with the city 23 council and the mayor. It was a nice job.</p> <p>24 Q. Okay. So as chief, were you responsible 25 for creating policies and procedures for Coquille</p>	<p style="text-align: center;">Page 76</p> <p>1 secretary's job, all the way through. 2 Q. Okay. And were those written up into some 3 kind of written policy or procedure? 4 A. Yes, and given to the city manager for 5 approval. 6 Q. And where were those stored? How were 7 they stored? 8 A. They would have been stored at the 9 Coquille Police Department's records office there 10 with Kim Holderfield, our secretary. 11 Q. And how were they distributed to 12 employees? 13 A. During our meetings, I went over it with 14 them. 15 Q. During the performance evaluation? 16 A. Well, during -- we had meetings. We met 17 and we talked -- when I first took over, I did a lot 18 of meetings with them, setting my expectations and 19 standards, accountability, what I expected from them 20 in how we treat the public. 21 One thing that was very obvious was there 22 was not a very good relationship between the City of 23 Coquille Police Department and the citizens and I 24 wanted to mend that. 25 Q. What was the problem with the relationship</p>
<p style="text-align: center;">Page 75</p> <p>1 P.D.? 2 A. Yes. 3 Q. And were you responsible for changing, 4 updating, or revising the policies or procedures to 5 be followed by Coquille officers and staff? 6 A. Yes. 7 Q. Did you institute any new policies and 8 procedures when you started as chief of police in 9 Coquille? 10 A. One thing I did as a chief, I reset the 11 culture, which is a community culture to work within 12 the community of those we serve. One of the big 13 things that -- we used a thing called Lexipol up 14 there which is a very good system for monthly 15 training, Lexipol policies and procedures I think 16 was attached to that. 17 One of the things I changed was that we 18 did not have was performance evaluations for our 19 employees and how we appraise our employees, so I 20 initiated that system up there, so we had annual 21 evaluations that were done throughout the year with 22 an annual cap at the end. 23 Q. How -- go ahead. 24 A. Each job description, I say I'd like an 25 expectation for what's an officer's job, what's a</p>	<p style="text-align: center;">Page 77</p> <p>1 from your perception? 2 A. The buy-in, the belief, the trust, the 3 respect between law enforcement and the community. 4 The Freeman case was part of that, I believe, that 5 kind of carried over with a fractured foundation. 6 It was felt that it was not done right, that the 7 police department was not engaged with the 8 community. As a result, we worked very hard. We 9 worked in our schools, I coached up there, we set up 10 a community haunted house, we started the program 11 Shop with a Cop, which the first year, we raised 12 over \$22,000 and five school buses took kids to 13 Wal-Mart to help our kids during Christmas, kids in 14 need. Anything in the community that we could get 15 involved with, we were all over it, so just change 16 in how we were perceived and getting my officers to 17 believe what we do and why we do it in law 18 enforcement, but also truly how we treat our people. 19 We had one officer that -- we had two 20 officers that are now felons as a result of -- they 21 failed to fall into the culture. 22 Q. Who were those officers? 23 A. Jimmy Bryant was one of them. He was one 24 that had a -- had a bad reputation in our community, 25 and I hate to be aware of that, but when the local</p>

<p style="text-align: center;">Page 78</p> <p>1 news editor talked to me about it, people in the 2 community took the members of my own office, or 3 department, department, brought that board, and 4 everybody had a chance to change behavior and he 5 chose not to and got himself in trouble.</p> <p>6 The other one was Randy -- I can't 7 remember Randy's last name.</p> <p>8 Q. Ulmer?</p> <p>9 A. Ulmer, there it is. Yes, thank you.</p> <p>10 Q. And his issue was stealing property from 11 the evidence room.</p> <p>12 Is that right?</p> <p>13 A. That is correct. I can give you some 14 history on that if you want.</p> <p>15 Q. Sure.</p> <p>16 A. When I first took over, one of the things 17 that I asked for was an audit within our evidence 18 room as a new change as a new leader coming in. It 19 went on and it kept being ignored, so I started 20 pushing buttons. I already talked to Chief Bob Webb 21 out of the Bandon Police Department to help us with 22 the audit, and the week before we discovered what 23 happened, I had mentioned to Pat Smith, I said 24 "Listen, we have to get that room done. This is 25 borrowed time," something to that effect.</p>	<p style="text-align: center;">Page 80</p> <p>1 they, in the audit in addition to Mr. Ulmer's theft?</p> <p>2 A. I don't recall, Andrew, what the findings 3 were. It was -- once again, you're trying to build 4 trust and then you have something like this happen 5 and it didn't help us, but we did the right thing, I 6 can tell you that much.</p> <p>7 Q. Do you know who Larry Maurer is?</p> <p>8 A. I don't recognize that name.</p> <p>9 Q. It looks like there was a woman involved 10 as well.</p> <p>11 So that was one of the things I was 12 noticing, when I went through the history of police 13 reports that started being generated once you became 14 chief, the first thing that came up was the audit.</p> <p>15 A. Yeah.</p> <p>16 Q. And Randy Ulmer's theft, and in reviewing 17 those reports -- actually, I can pull them up if you 18 want, but it seemed like Pat Smith was pretty 19 heavily criticized in addition to Officer Ulmer, and 20 of course Officer Ulmer ended up being terminated 21 and prosecuted.</p> <p>22 What's your recollection of what the audit 23 revealed?</p> <p>24 A. I don't recall specific to that, and I'll 25 just say this to you, and maybe it will be a better</p>
<p style="text-align: center;">Page 79</p> <p>1 About a week later, I get a call, I was in 2 my office and Pat Smith walked up and said "Hey, 3 we're missing money. These people are here to pick 4 up their money and it's gone," and the other 5 evidence guy was Randy Ulmer. Long story short is I 6 had Pat Smith call Randy and Randy admitted it. He 7 was up in Eugene with his dad saying that he had 8 stole the money. It was over \$10,000, so I told Pat 9 to have him come to my office and I called Paul 10 Frasier, I don't remember what agency crime team or 11 how we did it, but I initiated an investigation on 12 him.</p> <p>13 Q. Do you recall Oregon State Police Officer 14 Riddle being involved in that investigation?</p> <p>15 A. Possibly. I saw him a lot during crime 16 scene stuff, so I'm sure he was.</p> <p>17 Q. And then you said Officer Webb from Bandon 18 P.D.?</p> <p>19 A. Officer Webb from Bandon P.D., the chief 20 was going to -- he had people or he was going to do 21 the audit for me of the evidence room.</p> <p>22 Q. Do you recall anyone else involved in the 23 audit?</p> <p>24 A. I don't at this time.</p> <p>25 Q. They found a number of problems, didn't</p>	<p style="text-align: center;">Page 81</p> <p>1 understanding, my time in Coquille went very, very 2 fast, between the homicides we addressed, not just 3 the Freeman case, but the many homicides and the two 4 officers that I dealt with while I was up there and 5 just building those community programs within the 6 community, heck, I was covering midnight shifts, 7 working days, I was all over the place, so I don't 8 recall the specifics of that audit. There's 9 probably a good reason I don't, but my intent, my 10 goal from the day I walked in there was to change -- 11 and that's why I asked for the audit. It made sense 12 why Randy and Pat -- Pat didn't know about it, I'm 13 saying that, but they didn't want to push that audit 14 through.</p> <p>15 Q. So was there a written policy or procedure 16 in place at the time that you took over for how 17 evidence was to be handled and stored and checked in 18 and out and all those things?</p> <p>19 A. Coquille had a policy procedure, they did, 20 and --</p> <p>21 Q. Where was that stored --</p> <p>22 A. It was stored -- there was a copy in the 23 patrol area for the officers and there was a copy up 24 in our front office, and I might have one in my 25 office, I'm sure, too.</p>

Page 118	Page 120
<p>1 A. Andrew, it doesn't.</p> <p>2 Q. So I'll specifically go through the</p> <p>3 exhibits and we can talk about that tomorrow.</p> <p>4 That was the case that Pat Smith was</p> <p>5 pretty heavily criticized and I thought I had it in</p> <p>6 front of me. I'll get it for you and have it</p> <p>7 produced tomorrow.</p> <p>8 A. Okay. Thank you.</p> <p>9 Q. During your time as chief of Coquille</p> <p>10 P.D., did the City of Coquille or the Coquille</p> <p>11 Police Department provide any in-house training more</p> <p>12 commonly referred to as Brady obligations.</p> <p>13 Do you understand what I'm refer to when I</p> <p>14 use the term Brady obligations?</p> <p>15 A. Yes. I don't think we did. I don't</p> <p>16 recall that one. I don't think so.</p> <p>17 Q. Do you recall if the Coquille P.D. or the</p> <p>18 City of Coquille has any written policies or</p> <p>19 procedures with regard to the department or</p> <p>20 individual officers bringing allegations?</p> <p>21 A. I don't recall having that. That's not</p> <p>22 something I see standard in the policy. I don't</p> <p>23 recall that.</p> <p>24 Q. What's your understanding of your Brady</p> <p>25 obligation as a law enforcement officer?</p>	<p>1 the prosecutor. We're two different balances of the</p> <p>2 criminal justice system and what he wants to take</p> <p>3 forward within the authority of a prosecutor versus</p> <p>4 what I think is important, I turn that over, okay?</p> <p>5 A deputy -- the deputy -- we give them</p> <p>6 everything. I mean, that's our job. We give them</p> <p>7 information. That why we write reports. We</p> <p>8 document it and give it to them.</p> <p>9 Q. What's your understanding of when that</p> <p>10 obligation to give over everything is triggered?</p> <p>11 Does the prosecutor have to ask for things before</p> <p>12 you have to give them to him or do you have an</p> <p>13 affirmative obligation to provide everything that</p> <p>14 you have to the prosecutor?</p> <p>15 A. You have an obligation to provide. I</p> <p>16 mean, we'll take a crime, that doesn't mean the</p> <p>17 prosecutor knows about it, so we have an obligation</p> <p>18 to holistically put together and give it to him in</p> <p>19 that fashion. If he chooses or she chooses to ask</p> <p>20 for more, which happens a lot, then we go from</p> <p>21 there, but that is our obligation in law</p> <p>22 enforcement.</p> <p>23 Q. Okay. Does it matter whether the evidence</p> <p>24 you're providing is potentially exculpatory or</p> <p>25 inculpatory?</p>
Page 119	Page 121
<p>1 A. Brady is when a person lies during an</p> <p>2 investigation or aggravated mistakes during an</p> <p>3 investigation, they call it the fracture of a</p> <p>4 prosecution, through the district attorney or county</p> <p>5 attorney to address that officer under a Brady.</p> <p>6 Q. Okay. Well, what's your understanding of</p> <p>7 your obligation as a law enforcement officer to</p> <p>8 disclose all exculpatory and inculpatory evidence</p> <p>9 that's gathered during your investigation to the</p> <p>10 other side, the defense?</p> <p>11 A. My job as a law enforcement officer is to</p> <p>12 gather the facts and share those facts, whether</p> <p>13 through written form, physical form, however, to our</p> <p>14 prosecution, the county attorney, or -- and then</p> <p>15 what they share with the defense goes into something</p> <p>16 beyond the scope of a law enforcement officer, if</p> <p>17 I'm reading you right, Andrew. My job is the</p> <p>18 factual documentation and to give that to the</p> <p>19 prosecutor.</p> <p>20 Q. Okay. And so what's your understanding of</p> <p>21 your obligation in that regard? Do you have to</p> <p>22 give -- what do you have to give the prosecutor?</p> <p>23 A. I give the prosecutor everything. I mean,</p> <p>24 listen, what I might think is important or not</p> <p>25 important is not up to me to decide. That's up to</p>	<p>1 A. To me, we give them everything, Andrew.</p> <p>2 We give it all to them. That's for them to decide,</p> <p>3 the legality side. I'm the cop, I'm not the</p> <p>4 attorney in this. We give it all to them.</p> <p>5 Q. Did the Coquille Police Department have</p> <p>6 any written policy or procedure on that process?</p> <p>7 A. I don't recall the specifics, but I'm not</p> <p>8 saying they don't. I just don't recall.</p> <p>9 Q. During your time as chief there, was there</p> <p>10 any in-house training provided by the City of</p> <p>11 Coquille or Coquille P.D. on that process?</p> <p>12 A. I don't recall if we had discussions or --</p> <p>13 I don't remember the training, but this goes back to</p> <p>14 doing the right thing for the right reasons, and I</p> <p>15 don't ever recall Paul Frasier ever coming to me and</p> <p>16 saying "Your people aren't submitting reports, your</p> <p>17 people aren't submitting the proper investigations."</p> <p>18 Never was I ever confronted on that by Paul or the</p> <p>19 prosecutors.</p> <p>20 Q. Okay. Lets use the Freeman investigation</p> <p>21 as an example, all right?</p> <p>22 A. (Witness nods head.)</p> <p>23 Q. If Mr. Frasier didn't know that there was</p> <p>24 a report out there or information out there or</p> <p>25 potentially exculpatory evidence out there, he</p>

Page 150

1 STATE OF OREGON)
2 County of Multnomah)
3

4 I, Aaron M. Thomas, Certified Shorthand
5 Reporter, Registered Professional Reporter, and
6 Notary Public for the State of Oregon, do hereby
7 certify that MARK DANNELS personally appeared before
8 me at the time and place mentioned in the caption
9 herein; that the witness was by me first duly sworn
10 on oath and examined upon oral interrogatories
11 propounded by counsel; that said examination,
12 together with the testimony of said witness, was
13 taken down by me in stenotype and transcribed
14 through computer-aided transcription; and that the
15 foregoing transcript constitutes a full, true and
16 accurate record of said examination of and testimony
17 given by said witness, and of all other oral
18 proceedings had during the taking of said
19 deposition, and of the whole thereof.

20 Witness my hand and Notarial Seal at
21 Portland, Oregon, this 23rd day of July, 2022.
22



23 _____
24 Aaron M. Thomas
25 Oregon CSR 04-0388

Page 151

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as)
an individual and as guardian)
ad litem, on behalf of S.M., a)
minor,)
)
Plaintiffs,)
)
) No. 6:20-cv-01163-MK
v.)
)
MARK DANNELS, PAT DOWNING,)
SUSAN HORMANN, MARY KRINGS,)
KRIS KARCHER, SHELLY MCINNES,)
RAYMOND MCNEELY, KIP OSWALD,)
MICHAEL REAVES, JOHN RIDDLE,)
SEAN SANBORN, ERIC)
SCHWENNINGER, RICHARD WALTER,)
CHRIS WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
DAVID ZAVALA, JOEL D. SHAPIRO)
AS ADMINISTRATOR OF THE ESTATE)
OF DAVID E. HALL, VIDOCQ)
SOCIETY, CITY OF COQUILLE,)
CITY OF COOS BAY, and COOS)
COUNTY,)
)
Defendants)
)

REMOTE DEPOSITION OF MARK DANNELS

VOLUME II

(Pages 151 through 382)

Taken on behalf of the Plaintiffs

July 15, 2022

Page 152	Page 154																																																												
<p>1 BE IT REMEMBERED THAT, pursuant to the 2 Oregon Rules of Civil Procedure, the deposition of 3 MARK DANNELS was taken by Aaron M. Thomas, Certified 4 Shorthand Reporter and Registered Professional 5 Reporter for Oregon, on July 15, 2022, commencing at 6 the hour of 1:04 p.m., via Zoom.</p> <p>7</p> <p>8 APPEARANCES:</p> <p>9</p> <p>10 MALONEY LAUERSDORF REINER PC Counsel for Plaintiffs 11 1111 East Burnside Street, Suite 300 Portland, OR 97214 12 acl@mlreteam.com jpuracal@forensicjusticeproject.org 13 By MR. ANDREW C. LAUERSDORF MS. JANIS C. PURACAL</p> <p>14</p> <p>15 LAW OFFICE OF ROBERT E. FRANZ, JR. Counsel for Defendants: City of Coquille, City of 16 Coos Bay, Coos County, Craig Zanni, Chris Webley, Eric Schwenninger, Sean Sanborn, Ray McNeely, 17 Kris Karcher, Pat Downing, Mark Dannels, Kip Oswald, Michael Reaves, David Zavala, Anthony Wetmore, 18 Shelly McInnes PO Box 62 19 Springfield, Oregon 97477 rfranz@franzlaw.comcastbiz.net 20 BY: MS. SARAH HENDERSON 21 OREGON DEPARTMENT OF JUSTICE Counsel for Defendants: Oregon State Police, John 22 Riddle, Susan Hornmann, Mary Krings, Kathy Wilcox 100 SW Market Street 23 Portland, OR 97201 jesse.b.davis@doj.state.or.us 24 BY: MR. JESSE B. DAVIS 25 ////</p>	<p>1 EXAMINATION INDEX 2 Page 3 EXAMINATION BY MR. LAUERSDORF 158</p> <p>4 ***</p> <p>5 EXHIBIT INDEX</p> <table> <thead> <tr> <th>No.</th> <th>Item</th> <th>Page</th> </tr> </thead> <tbody> <tr> <td>7</td> <td>5 City of Coquille Police</td> <td>314</td> </tr> <tr> <td>8</td> <td>Department Incident Report</td> <td></td> </tr> <tr> <td>9</td> <td>dated April 20, 2010</td> <td></td> </tr> <tr> <td>10</td> <td>6 Report of James Pex dated</td> <td>233</td> </tr> <tr> <td>11</td> <td>August 8, 2000</td> <td></td> </tr> <tr> <td>12</td> <td>7 Evidence Accountability</td> <td>234</td> </tr> <tr> <td>13</td> <td>Record, Coquille Police</td> <td></td> </tr> <tr> <td>14</td> <td>Department</td> <td></td> </tr> <tr> <td>15</td> <td>8 Coquille Police Department</td> <td>235</td> </tr> <tr> <td>16</td> <td>Property Request dated</td> <td></td> </tr> <tr> <td>17</td> <td>3-21-01, Kris Karcher</td> <td></td> </tr> <tr> <td>18</td> <td>9 Miscellaneous Information,</td> <td>247</td> </tr> <tr> <td>19</td> <td>H.I.T. Team Meeting Notes</td> <td></td> </tr> <tr> <td>20</td> <td>10 Vidocq Web Pages, 07-16-2009</td> <td>308</td> </tr> <tr> <td>21</td> <td>13 Email from Fred Bornhofen to</td> <td>309</td> </tr> <tr> <td>22</td> <td>Mark Dannels dated July 17,</td> <td></td> </tr> <tr> <td>23</td> <td>2009</td> <td></td> </tr> <tr> <td>24</td> <td>14 Letter to Mark Dannels from</td> <td>312</td> </tr> <tr> <td>25</td> <td>Fred Bornhofen, undated</td> <td></td> </tr> </tbody> </table>	No.	Item	Page	7	5 City of Coquille Police	314	8	Department Incident Report		9	dated April 20, 2010		10	6 Report of James Pex dated	233	11	August 8, 2000		12	7 Evidence Accountability	234	13	Record, Coquille Police		14	Department		15	8 Coquille Police Department	235	16	Property Request dated		17	3-21-01, Kris Karcher		18	9 Miscellaneous Information,	247	19	H.I.T. Team Meeting Notes		20	10 Vidocq Web Pages, 07-16-2009	308	21	13 Email from Fred Bornhofen to	309	22	Mark Dannels dated July 17,		23	2009		24	14 Letter to Mark Dannels from	312	25	Fred Bornhofen, undated	
No.	Item	Page																																																											
7	5 City of Coquille Police	314																																																											
8	Department Incident Report																																																												
9	dated April 20, 2010																																																												
10	6 Report of James Pex dated	233																																																											
11	August 8, 2000																																																												
12	7 Evidence Accountability	234																																																											
13	Record, Coquille Police																																																												
14	Department																																																												
15	8 Coquille Police Department	235																																																											
16	Property Request dated																																																												
17	3-21-01, Kris Karcher																																																												
18	9 Miscellaneous Information,	247																																																											
19	H.I.T. Team Meeting Notes																																																												
20	10 Vidocq Web Pages, 07-16-2009	308																																																											
21	13 Email from Fred Bornhofen to	309																																																											
22	Mark Dannels dated July 17,																																																												
23	2009																																																												
24	14 Letter to Mark Dannels from	312																																																											
25	Fred Bornhofen, undated																																																												
Page 153	Page 155																																																												
<p>1 --oOo--</p> <p>2 WOOD SMITH HENNING & BERMAN LLP Counsel for Defendants: Vidocq Society and Richard 3 Walter 12755 Southwest 69th Avenue 4 Suite 100 Portland, Oregon 97223 5 kschaffer@wshblaw.com BY: KARIN L. SCHAFFER</p> <p>6</p> <p>7 ALSO PRESENT: Mr. Nicholas J. McGuffin</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 15 Case Summary 317</p> <p>2 16 PowerPoint: Homicidal Death of 323</p> <p>3 Leah Nicole Freeman</p> <p>4 17 Synopsis of Vidocq Society 327</p> <p>5 Cases</p> <p>6 18 CCSO Zanni Case Credits and 288</p> <p>7 Discredits, 01-27-2010</p> <p>8 19 Case Point and Discredits, 289</p> <p>9 Undated</p> <p>10 24 Press Conference, Coquille 337</p> <p>11 Police Department, January 25,</p> <p>12 2010, Re: Leah Freeman</p> <p>13 Investigation Coquille Police</p> <p>14 Department Case Q20001905</p> <p>15 25 Paul Fraiser "Things To Do" 351</p> <p>16 Leah Freeman Homicide dated</p> <p>17 May 12, 2010</p> <p>18 26 Article from The World, 347</p> <p>19 "Hunting a Killer"</p> <p>20 27 Memo to Chief Mark Dannels to 185</p> <p>21 Sergeant Patrick Smith dated</p> <p>22 November 21, 2008</p> <p>23 28 Bandon Police Department 186</p> <p>24 Incident Report dated November</p> <p>25, 2008</p>																																																												

2 (Pages 152 to 155)

AARON THOMAS COURT REPORTING - 503-961-5740

Exhibit 51, Page 8 of 17

Page 156				Page 158			
1	29	Oregon State Police Incident Report	188	1	MARK DANNELS		
2	30	Memorandum, Oregon State Police dated 12-4-08	192	2	having first been sworn by the Certified Shorthand Reporter,		
3	31	Memo to Chief Dannels from Sergeant Smith dated September 24, 2008	177	3	testified under oath as follows:		
4	32	Letter to Detective Dave Hall from Katherine Wilcox dated September 18, 2000	238	4			
5	33	Oregon State Police Interview of Nick Backman	213	01:04:18	5	MR. LAUERSDORF: Okay. This is Andrew	
6	34	Letter to Officer Hall from Katherine Wilcox dated July 6, 2000	218	01:04:20	6	Lauersdorf on behalf of the Plaintiff, Mr. McGuffin et al. We're back on the record with the deposition	
7	35	Leah Freeman Homicide Investigation Plan	252	01:04:23	7	of Mark Dannels.	
8	36	2010 H.I.T. Team Notes	260	01:04:27	8	EXAMINATION BY MR. LAUERSDORF:	
9	37	Email from Susan Hormann to Pat Smith dated 3/15/2010	345	01:04:28	9	Q. You still understand that I'm the attorney representing the plaintiffs in this matter.	
10	39	Email from Ray McNeely to Pat Smith and Mark Dannels dated May 17, 2010	352	01:04:30	10	Is that correct?	
11	40	Coquille Police Department, Leah Freeman Homicide,	353	01:04:34	11	A. Yes.	
12				01:04:37	12	Q. And can you please state for the record your name as given at birth.	
13				01:04:39	13	A. Mark Joseph Dannels.	
14				01:04:42	14	MR. LAUERSDORF: And I'll go ahead and	
15				01:04:43	15	have counsel for the other parties introduce	
16				01:04:46	16	themselves at this time.	
17				01:04:47	17	MS. HENDERSON: Yes, Sarah Henderson for	
18				01:04:47	18	the witness, the municipal and individual municipal	
19				01:04:49	19	defendants.	
20				01:04:54	20	MR. DAVIS: Jesse Davis on behalf of the	
21				01:04:56	21	Oregon State Defendants.	
22							
23							
24							
25							
Page 157				Page 159			
1		CQP-Q20001905		01:04:58	1	MS. SCHAFER: And Karin Schaffer on	
2	41	FBI investigation of Cherie Mitchell dated 07/11/2000	359	01:05:00	2	behalf of Vidocq Society and Richard Walter.	
3	42	Grand Jury Proceedings, Testimony of Cherie Mitchell	361	01:05:05	3		
4	43	Oregon State Police - ODOT Investigation dated 7/5/2000	364	01:05:05	4	BY MR. LAUERSDORF: (Continuing)	
5				01:05:07	5	Q. Sheriff Dannels, did you speak to anybody	
6				01:05:09	6	other than your attorney about the deposition during	
7				01:05:10	7	the overnight break?	
8				01:05:12	8	A. No.	
9				01:05:13	9	Q. Did you review any documents related to	
10				01:05:15	10	this case over the break?	
11				01:05:16	11	A. This morning, about 20 minutes before we	
12				01:05:19	12	started, I looked over my grand jury.	
13				01:05:22	13	Q. Your grand jury testimony?	
14				01:05:23	14	A. Yes.	
15				01:05:24	15	Q. Okay. Any other documents?	
16				01:05:27	16	A. I reviewed the documents through verbal	
17				01:05:30	17	with my counsel from what you sent on what I believe	
18				01:05:36	18	was Shaw.	
19				01:05:37	19	Q. The documents that I sent overnight last	
20				01:05:40	20	night?	
21				01:05:41	21	A. Yes, sir.	
22				01:05:44	22	Q. Were there any notes on any of the	
23				01:05:46	23	documents that you reviewed over the break?	
24				01:05:48	24	A. No.	
25				01:05:49	25	Q. Okay. I understand you continue to be	

3 (Pages 156 to 159)

AARON THOMAS COURT REPORTING - 503-961-5740

Exhibit 51, Page 9 of 17

Page 172				Page 174			
01:20:16 1	him to Oregon, yes.	01:22:39 1	a witness in an effort to obtain information in an investigation?	01:20:17 2	Q. Okay. Do you remember, did you do any vetting of Mr. Walter? Did you read any of his prior media interviews, anything like that, anything about cases he'd worked on in the past?	01:22:43 3	A. No.
01:20:18 3		01:22:45 4	Q. Did you ever authorize or instruct a Coquille Police Department officer to lie to a suspect in an effort to obtain information in an investigation?	01:20:22 4	A. He was part of Vidocq, so I did check into Vidocq when I was contacted, but Richard, I don't know if I ever checked into him. I might have, but	01:22:47 5	
01:20:25 5	I don't recall.	01:22:49 6	A. Not that I recall.	01:20:28 6	Q. If you look him up on the Internet and you read newspaper articles in which he's quoted, he frequently used this quote "The investigators are getting close, and if I was the suspect, I wouldn't buy any green bananas."	01:22:52 7	Q. During your time as chief of Coquille police, did you ever authorize or instruct a police officer from another agency to lie to a witness to obtain information during the time of an investigation?
01:20:34 7		01:22:55 8	A. Not that I recall. That's not in the scope of how I've practiced in my 38 years, sir.	01:20:38 8	Have you ever heard that phrase or heard Mr. Walter use that phrase before?	01:23:03 11	Q. How about to a suspect?
01:20:42 9		01:23:06 12	A. Have I instructed somebody to lie to a suspect?	01:20:43 10	A. If he did, it's not in my head. I don't recall that.	01:23:08 13	Q. Yeah, let me go through the whole question again.
01:20:46 11		01:23:08 14	During your time as chief of Coquille P.D., did you ever authorize an officer from another agency to lie to a suspect in an effort to obtain information in an investigation?	01:20:49 12	Q. Is that the kind of misinformation that you're talking about when you say that you might put something out there in the public just to influence the investigation or influence suspects at large?	01:23:10 15	A. No, not that I recall.
01:20:52 13		01:23:13 16		01:20:55 14	A. I don't know that statement. That's not something in my vocabulary or thought process. If I put something out, my thoughts are to get hope, that	01:23:18 17	
01:20:56 14		01:23:21 18		01:21:03 16		01:23:22 19	
01:21:04 17		01:23:24 20		01:21:06 18		01:23:25 21	
01:21:07 19		01:23:28 22		01:21:08 20		01:23:30 23	
01:21:10 20		01:23:34 23		01:21:13 21		01:23:37 24	
01:21:13 21		01:23:38 25		01:21:15 22			
01:21:15 22				01:21:22 23			
01:21:18 24				01:21:24 24			
01:21:28 25				01:21:28 25			
Page 173				Page 175			
01:21:33 1	we put hope back in an investigation, hey, we need to follow this thing where it's going, but that catch phrase there, I don't know how to comment on that.	01:23:39 1	Q. And the reason I asked is you have the major crimes team, you have officers from multiple agencies, and along those lines, more specifically, did you authorize or instruct Officer Riddle or Officer Kelley Andrews to tell Kristen Steinhoff that Leah Freeman's blood was found in the Kia automobile that was purchased by Coquille P.D. in 2010?	01:21:36 2		01:23:41 2	
01:21:39 3		01:23:45 3		01:21:42 4		01:23:48 4	
01:21:41 4		01:23:52 5		01:21:44 5		01:23:57 6	
01:21:42 5	Q. Okay. During your time as chief of Coquille Police, did you ever lie to a witness in an effort to obtain information in an investigation?	01:24:03 7	01:24:05 8	01:21:47 6		01:24:08 9	
01:21:44 6		01:24:08 10		01:21:47 7		01:24:08 11	
01:21:47 7		01:24:08 12		01:22:02 11		01:24:08 13	
01:21:54 8	A. Not that I recall.	01:24:17 13	01:24:20 14	01:22:04 12		01:24:20 15	
01:21:55 9	Q. Okay. How about a suspect, do you recall ever lying to a suspect in your effort to obtain information in an investigation during your time at Coquille?	01:24:21 15	01:24:24 16	01:22:05 13		01:24:24 17	
01:21:58 10		01:24:24 17	01:24:32 18	01:22:07 14		01:24:32 18	
01:22:02 11		01:24:33 19	01:24:33 19	01:22:09 15		01:24:33 19	
01:22:04 12		01:24:40 20	01:24:42 21	01:22:13 16		01:24:40 20	
01:22:05 13	A. Not that I recall.	01:24:42 21	01:24:45 22	01:22:15 17		01:24:42 21	
01:22:07 14	Q. More specifically, during your work on the Freeman investigation, did you ever lie to a witness in an effort to obtain information?	01:24:45 22	01:24:50 23	01:22:19 18		01:24:45 22	
01:22:09 15		01:24:54 24	01:24:54 24	01:22:22 19		01:24:58 25	
01:22:13 16		01:24:58 25		01:22:22 19			
01:22:15 17	A. Not that I recall. I only did a handful of direct interviews, Steinhoff being the main one.			01:22:24 20			
01:22:19 18				01:22:24 20			
01:22:22 19	Q. Okay. How about a suspect, did you ever lie to a suspect in the Freeman investigation to obtain information?			01:22:27 21			
01:22:24 20				01:22:28 22			
01:22:27 21	A. Not that I recall.			01:22:31 23			
01:22:28 22	Q. During your time as chief of Coquille police, did you ever authorize or instruct a Coquille Police Department police officer to lie to			01:22:34 24			
01:22:31 23				01:22:37 25			
01:22:34 24							
01:22:37 25							

7 (Pages 172 to 175)

AARON THOMAS COURT REPORTING - 503-961-5740

Exhibit 51, Page 10 of 17

		Page 376			Page 378
06:15:13	1	was -- I believe this is your badge number up here	06:19:11	1	birthday.
06:15:17	2	in the right-hand corner, 601?	06:19:12	2	He says that he was coming up on weekends
06:15:21	3	A. It is.	06:19:14	3	and he came up on the weekend after the birthday,
06:15:21	4	Q. And these are your initials.	06:19:17	4	and then he testified consistently with that in
06:15:22	5	Is that right?	06:19:21	5	grand jury and he also doesn't say specifically --
06:15:24	6	A. Yes.	06:19:30	6	well, I guess she does say he was driving with
06:15:25	7	Q. And this report, if you go down to the	06:19:35	7	Bartley the day after Freeman disappeared, but he
06:15:27	8	bottom, has you listed as the author dated June 1st,	06:19:39	8	doesn't offer that, that's something he responded to
06:15:31	9	2010, so this again is after Mr. Frasier has issued	06:19:43	9	a question that you put to him.
06:15:40	10	his to do list, and this is a report of you	06:19:45	10	One of the bigger ones that I was
06:15:42	11	interviewing Damon John Mason at the Coquille Police	06:19:47	11	particularly interested in, where it says
06:15:45	12	Department.	06:19:49	12	"Additionally, Mr. Mason advised us that he
06:15:48	13	Do you remember interviewing Mr. Mason?	06:19:54	13	remembers being told that Bruce McGuffin helped,
06:15:50	14	A. I don't.	06:19:58	14	too. Mr. Mason advised us that he was 90-percent
06:15:51	15	Q. Do you remember who Mr. Mason is?	06:20:01	15	sure that Bruce McGuffin helped, too." What he's
06:15:55	16	A. Wasn't he the -- I think I read the	06:20:04	16	talking about here, "We asked Mr. Mason what he and
06:15:58	17	report -- he was the ex of a Lisa Machaad.	06:20:05	17	Bartley spoke about. Mr. Mason said that Bartley
06:16:03	18	Is that correct?	06:20:06	18	told him that Nick McGuffin and he drove around last
06:16:04	19	Q. I don't think so. I can let you read the	06:20:09	19	night in Nick's Mustang looking for Leah as she was
06:16:09	20	report here. He was someone that was AWOL from the	06:20:13	20	missing. Mr. Mason advised us that Bartley told him
06:16:13	21	military, he was living in California at the time	06:20:17	21	they searched by the high school, mill pond, and
06:16:15	22	that Ms. Freeman disappeared. He was coming back up	06:20:20	22	around town," and this is after Mr. Mason says --
06:16:19	23	on weekends to visit family and he came back up on	06:20:24	23	and he says in his interview that Bartley and
06:16:22	24	the weekend after June 28 and spent some time with	06:20:28	24	McGuffin were involved in Freeman's disappearance,
06:16:25	25	Mr. Bartley and he referred to an incident where	06:20:32	25	that that's what he learned from Bartley, and then
		Page 377			Page 379
06:16:29	1	they were driving past Fast Mart and Mr. Bartley	06:20:35	1	you have this note here, "Mr. Mason advised that he
06:16:33	2	expressed some apprehension that a police officer	06:20:40	2	remembers being told that Bruce McGuffin helped,
06:16:36	3	was approaching.	06:20:40	3	too," and "Mr. Mason advised that he was 90 percent
06:16:37	4	Does that ring any bells?	06:20:41	4	sure that Bruce McGuffin helped, too," and that
06:16:39	5	A. It doesn't, but I'm reading here. That	06:20:44	5	doesn't appear anywhere in the recorded statement,
06:16:42	6	helps.	06:20:47	6	so I'm wondering why that would have been added to
06:16:43	7	Q. Okay.	06:20:50	7	your police report?
06:16:48	8	A. You can move up a little bit, sir.	06:20:51	8	A. I don't know if that was recorded during
06:17:13	9	Q. Let me know when you're ready.	06:20:53	9	the time when he said that, I don't know. I don't
06:17:18	10	A. I'm ready.	06:20:56	10	recall this conversation, I don't know, but I don't
06:18:20	11	Q. Are you ready?	06:21:05	11	know when we started recording it, I don't know.
06:18:21	12	A. Yep.	06:21:07	12	I'd have to listen to the recording.
06:18:22	13	Q. Okay. It goes on just a little bit	06:21:12	13	Q. If you recall in some of the notes that I
06:18:24	14	further.	06:21:14	14	pointed out from the crime team, there were a number
06:18:26	15	You say this was a recorded interview,	06:21:17	15	of different statements of how do we link Bruce
06:18:30	16	this is a CD recording, and the CD was placed in	06:21:22	16	McGuffin to assisting Nick in Leah's disappearance,
06:18:34	17	evidence, so until -- one of the things I wanted to	06:21:25	17	and then after those notes and after Ms. Frasier's
06:18:37	18	ask you, the reasons I was asking you earlier about	06:21:29	18	to do list, you take this interview and this note
06:18:39	19	what information goes into your report is that I	06:21:33	19	appears in your police report and I'm just wondering
06:18:44	20	went back and listened to the audio and the CD and	06:21:36	20	if there was any correlation.
06:18:47	21	one of the things I note is that in the recorded	06:21:39	21	A. Any correlation to?
06:18:50	22	interview, Mr. Mason doesn't say anything about	06:21:44	22	Q. The notes in the crime team meetings about
06:18:59	23	arriving in Coquille on the night that Leah went	06:21:48	23	trying to figure out a way to link Bruce McGuffin
06:19:02	24	missing or the day after and he doesn't mention	06:21:53	24	and Nick McGuffin in Ms. Freeman's disappearance.
06:19:07	25	anything about missing his girlfriend's 18th	06:21:57	25	A. Are you asking if I fabricated that?

<p style="text-align: center;">Page 380</p> <p>06:21:59 1 Q. Yeah.</p> <p>06:22:00 2 A. The answer is no.</p> <p>06:22:01 3 Q. Okay. So this would have come -- this</p> <p>06:22:04 4 would have been -- even though it's not reflected in</p> <p>06:22:06 5 the recording of your interview with Mr. Mason, it's</p> <p>06:22:09 6 something that you would have said?</p> <p>06:22:11 7 A. Yes. I wouldn't make stuff up.</p> <p>06:22:13 8 Q. Okay. Would there be any handwritten</p> <p>06:22:15 9 notes of this interview?</p> <p>06:22:17 10 A. I don't recall. I don't recall the</p> <p>06:22:19 11 report, so it -- obviously I wrote that based on</p> <p>06:22:23 12 something, whether it be my field notes, whether it</p> <p>06:22:28 13 be -- I don't know, but I'm telling you that it's</p> <p>06:22:30 14 not made up.</p> <p>06:22:31 15 Q. Well, we weren't able to find any field</p> <p>06:22:34 16 notes of this interview.</p> <p>06:22:37 17 Do you know whether or not there are any</p> <p>06:22:38 18 field notes of this conversation?</p> <p>06:22:40 19 A. I don't recall, sir.</p> <p>06:22:41 20 MR. DAVIS: Counsel, I'm at the end of my</p> <p>06:22:43 21 flexibility. It's now 6:22 on a Friday afternoon</p> <p>06:22:51 22 and we need to conclude right away.</p> <p>06:22:54 23 MR. LAUERSDORF: Okay. So for the record,</p> <p>06:22:55 24 I'm going to suspend the deposition and leave it</p> <p>06:22:59 25 open. I understand there will be objections and I</p>	<p style="text-align: center;">Page 382</p> <p>1 STATE OF OREGON)</p> <p>2 County of Multnomah)</p> <p>3</p> <p>4 I, Aaron M. Thomas, Certified Shorthand</p> <p>5 Reporter, Registered Professional Reporter, and</p> <p>6 Notary Public for the State of Oregon, do hereby</p> <p>7 certify that MARK DANNELS personally appeared before</p> <p>8 me at the time and place mentioned in the caption</p> <p>9 herein; that the witness was by me first duly sworn</p> <p>10 on oath and examined upon oral interrogatories</p> <p>11 propounded by counsel; that said examination,</p> <p>12 together with the testimony of said witness, was</p> <p>13 taken down by me in stenotype and transcribed</p> <p>14 through computer-aided transcription; and that the</p> <p>15 foregoing transcript constitutes a full, true and</p> <p>16 accurate record of said examination of and testimony</p> <p>17 given by said witness, and of all other oral</p> <p>18 proceedings had during the taking of said</p> <p>19 deposition, and of the whole thereof.</p> <p>20 Witness my hand and Notarial Seal at</p> <p>21 Portland, Oregon, this 31st day of July, 2022.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  <p>Aaron M. Thomas</p> <p>Oregon CSR 04-0388</p>
<p style="text-align: center;">Page 381</p> <p>06:23:02 1 note your objections for the record. We'll take the</p> <p>06:23:04 2 issue up with the court and seek some additional</p> <p>06:23:07 3 time.</p> <p>06:23:08 4 I can tell you that the amount of time we</p> <p>06:23:14 5 need is probably an hour or less, but I understand</p> <p>06:23:17 6 it's an issue for the court, so we'll --</p> <p>06:23:20 7 MS. HENDERSON: Yeah, on that note, this</p> <p>06:23:22 8 is Sarah, we'll just object to keeping the</p> <p>06:23:24 9 deposition open, obviously especially given the</p> <p>06:23:27 10 travel arrangements we've had to make doing this</p> <p>06:23:32 11 twice. We could have planned for more time if it</p> <p>06:23:34 12 was going to take this long, but we understand that</p> <p>06:23:37 13 you'll go to the judge with that.</p> <p>06:23:40 14 MR. DAVIS: And I'll voice an objection as</p> <p>06:23:42 15 well.</p> <p>06:23:42 16 MS. SCHAFFER: And Karin Schaffer, I'll</p> <p>06:23:44 17 join in that objection as well.</p> <p>06:23:46 18 MR. LAUERSDORF: Okay.</p> <p>06:23:48 19 Mr. Thomas, as far as I know, we're off</p> <p>06:23:52 20 the record.</p> <p>06:23:52 21 (Deposition adjourned at 6:23 p.m.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

Mark Dannels
September 01, 2023

IN THE UNITED STATES DISTRICT COURT

Mark Daniels
FOR THE DISTRICT OF OREGON
September 01, 2023

EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an individual and as guardian ad litem, on behalf of S.M., a minor,) Civil No.
Plaintiffs,) 6:20-cv-01163-MK
v.) (Lead Case)
MARK DANNELS, PAT DOWNING,) VIDEOCONFERENCE
SUSAN HORMANN, MARY KRINGS,) DEPOSITION
KRIS KARCHER, SHELLY MCINNES,)
RAYMOND MCNEELY, KIP OSWALD,)
MICHAEL REAVES, JOHN RIDDLE,)
SEAN SANBORN, ERIC)
SCHWENNINGER, RICHARD WALTER,)
CHRIS WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
DAVID ZAVALA, JOEL D. SHAPIRO)
AS ADMINISTRATOR OF THE ESTATE)
OF DAVID E. HALL, VIDOCQ)
SOCIETY, CITY OF COQUILLE, CITY)
OF COOS BAY, and COOS COUNTY,)
Defendants.)
VIDOCQ SOCIETY,)
Cross-Claimant,)
v.)
MARK DANNELS, PAT DOWNING,)
SUSAN HORMANN, MARY KRINGS,)
KRIS KARCHER, SHELLY MCINNES,)
RAYMOND MCNEELY, KIP OSWALD,)
MICHAEL REAVES, JOHN RIDDLE,)
SEAN SANBORN, ERIC)
SCHWENNINGER, RICHARD WALTER,)
CHRIS WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
DAVID ZAVALA, JOEL D. SHAPIRO)

Mark Dannels
September 01, 2023

	Page 2		Page 4
1 AS ADMINISTRATOR OF THE ESTATE)		1 Eric S. DeFreest, OSB #730915	
OF DAVID E. HALL, VIDOCQ)		LUVAAS COBB	
2 SOCIETY, CITY OF COQUILLE, CITY)		777 High Street, Suite 300	
OF COOS BAY, and COOS COUNTY,)		Eugene, Oregon 97401	
3)		3 (541) 484-9292	
4 Cross-Defendants.)		edefreest@luvaascobb.com	
5)		4 (Representing Richard Walter)	
NICHOLAS JAMES MCGUFFIN, as an)		5 REPORTED BY:	
6 individual and as guardian ad) Civil Case No.		6 Jean M. Kostner, CSR #90-0051	
item, on behalf of S.M. a) 3:21-cv-01719-MK		Subcontractor for:	
7 minor,) (Trailing Case)		7 US LEGAL SUPPORT	
8 Plaintiffs,)		8	
9 v.)		9	
10 OREGON STATE POLICE,)		10	
11 Defendant.)		11	
12)		12	
13)		13	
14 DEPOSITION UPON ORAL EXAMINATION)		14	
15 OF MARK J. DANIELS)		15	
16)		16	
17 BE IT REMEMBERED THAT, pursuant to the Oregon Rules of)		17	
18 Civil Procedure, the deposition of MARK J. DANIELS was taken)		18	
19 remotely via videoconference on behalf of the Plaintiffs,)		19	
20 before JEAN M. KOSTNER, a Certified Court Reporter for Oregon,)		20	
21 on Friday, the 1st day of September, 2023, at the hour of)		21	
22 9:00 a.m., in the State of Oregon.)		22	
23)		23	
24)		24	
25)		25	
	Page 3		Page 5
1 APPEARANCES		1 INDEX OF TESTIMONY	
2 (All appearances via videoconference)		2	
3 ON BEHALF OF THE PLAINTIFFS:		3 WITNESS	PAGE
4 Andrew C. Lauersdorf, OSB #980739		4 MARK J. DANIELS	
Janis C. Puracal, OSB #132288		5 Examination by Mr. Lauersdorf	8
5 MALONEY LAUERSDORF, REINER, PC		6 Examination by Mr. DeFreest	78
1111 East Burnside Street, Suite 300		7 Examination by Ms. Sawyer	86
6 Portland, Oregon 97214		8 Examination by Mr. Davis	102
(503) 245-1518		9 Examination by Mr. Lauersdorf	103
7 acl@mrllegalteam.com			
jcp@mrllegalteam.com			
8			
9 ON BEHALF OF THE DEFENDANTS:			
10 Robert E. Franz, Jr., OSB #730915			
Sarah R. Henderson, OSB #153474			
11 LAW OFFICE OF ROBERT E. FRANZ, JR.			
Post Office Box 62			
12 Springfield, Oregon 97477			
(541) 741-8220			
13 rfranz@franzlaw.comcastbiz.net			
shenderson@franzlaw.comcastbiz.net			
14 (Representing City of Coquille, City of Coos Bay,			
Coos County, Craig Zanni, Chris Webley, Eric			
15 Schwenninger, Sean Sanborn, Ray McNeely, Kris			
Karcher, Pat Downing, Mark Dannels, Kip Oswald,			
16 Michael Reaves, David Zavala, Anthony Wetmore,			
Shelly McInnes)			
17 Jesse B. Davis, OSB #052290			
OREGON DEPARTMENT OF JUSTICE			
100 Southwest Market Street			
19 Portland, Oregon 97201			
(971) 673-1880			
20 jesse.b.davis@doj.state.or.us			
(Representing Oregon State Police, John Riddle,			
Susan Hormann, Mary Krings, Kathy Wilcox)			
22 Meredith A. Sawyer WSB #33793			
HWS LAW GROUP U.S. Legal Support www.uslegalsupport.com			
23 101 Southwest Main Street, Suite 1605			
Portland, Oregon 97204			
(206) 262-1200			
msawyer@hwslawgroup.com			
25 (Representing Vidocq Society)			

Mark Dannels
September 01, 2023

		INDEX OF EXHIBITS	Page 6		Page 8
1	2				
3	EXHIBIT NO.	DESCRIPTION	Mark Dannels September		
4	5	Coos County Sheriff's Office Incident Narrative, Interview of K. Steinhoff and R. Crook (26 pages)	16	1	MARK J. DANNELS,
6	7	City of Coquille Police Department Incident Report (2 pages)	19	2	called as a witness on behalf of the Plaintiffs, having been
8	9	Confidential - Subject to Protective Order - City of Coquille Police Department Incident Report (2 pages)	21	3	first duly sworn to tell the truth, the whole truth, and
10	11	Confidential - Subject to Protective Order - Supplemental Report (3 pages)	12	4	nothing but the truth, was examined and testified as follows:
12	13	Confidential - Subject to Protective Order - OSP Davis Interview of K. Steinhoff (37 pages)	14	5	THE WITNESS: Yes, ma'am.
14	15	OSP Riddle Interview of K. Steinhoff - (Audio Recording)	26	6	EXAMINATION
16	17	Confidential - Subject to Protective Order - CPD Incident Report (2 pages)	29	7	BY MR. LAUERSDORF:
18	19	CPD Dannels Polygraph-Interview of K. Steinhoff - (Video Recording)	30	8	Q. Okay. Sheriff Dannels, my name is Andy Lauersdorf.
20	21	Confidential - Subject to Protective Order - Handwritten Statement of K. Steinhoff (2 pages)	39	9	We're back on the record in the deposition of Mark Dannels, in
22	23	ABC News - What Happened to Leah Freeman, Part 1 (Video)	46	10	the matter of Nicholas McGuffin and S.M. vs. Mark Dannels and a
24	25	ABC News - What Happened to Leah Freeman, Part 2 (Video)	49	11	number of other defendants. Do you recall that?
		ABC News - What Happened to Leah Freeman, Part 3 (Video)	58	12	A. Yes, I do.
		Confidential - Subject to Protective Order - Email from Frasier to Dannels	38	13	Q. Okay. Would you please state your name as given at
				14	birth.
				15	A. Mark Joseph Dannels.
				16	Q. And your place and date of birth?
				17	A. Clinton, Iowa, December 28th, 1963.
				18	MR. LAUERSDORF: Okay. And once again, this is
				19	Andrew Lauersdorf on behalf of the plaintiffs, and I'll have
				20	the other attorneys on the Zoom call introduce themselves at
				21	this time, please, starting with Ms. Puracal.
				22	MS. PURACAL: Janis Puracal for plaintiffs.
				23	MS. HENDERSON: This is Sarah Henderson on behalf
				24	of the witness and the remaining municipal defendants.
				25	MR. DAVIS: Jesse Davis on behalf of the State
1	2				
3	4	Coquille Police Department Policy Manual (346 pages)	Page 7		Page 9
5	6	(Exhibit 53 retained by counsel.)	66	1	defendants.
7	8			2	MS. SAWYER: Meredith Sawyer on behalf of Vidocq
9	10			3	Society.
11	12			4	MR. DEFREEST: Eric DeFreest on behalf of
13	14			5	Mr. Walter.
15	16			6	BY MR. LAUERSDORF:
17	18			7	Q. Okay. Mr. Dannel, I understand -- or, Dannels, I
19	20			8	understand that you're represented by Ms. Henderson and that
21	22			9	she is apparently not present in the room with you today. Is
23	24			10	that correct?
25				11	A. That is correct.
				12	Q. Where are you located today?
				13	A. I'm at a satellite office at 1728 Paseo San Luis,
				14	in Sierra Vista, Arizona.
				15	COURT REPORTER: Could you repeat the city?
				16	THE WITNESS: A satellite office -- can you hear me
				17	all right?
				18	COURT REPORTER: Yeah, I didn't hear the city.
				19	THE WITNESS: Oh, Sierra Vista.
				20	COURT REPORTER: Thank you.
				21	BY MR. LAUERSDORF:
				22	Okay. So you're still free to take breaks at any
				23	time for any reason, whether to consult with Ms. Henderson or
				24	otherwise, and I'm going to trust that we have a way figured
				25	out for you guys to get together and take a break off the

Mark Dannels
September 01, 2023

<p style="text-align: right;">Page 98</p> <p>1 statute, if you're a deputy, you got full -- the full 2 certification, you just don't get a paycheck. So I came back 3 every three months, worked in Arizona when I was a chief up in 4 Oregon. So I came back to prepare to run for sheriff. That's 5 why I came back a year out.</p> <p>6 Q. And then did you run for sheriff?</p> <p>7 A. I did.</p> <p>8 Q. Looks like you won.</p> <p>9 A. Let me rephrase it so it's an accurate record here. 10 I came back to run. The current sheriff was not going to run, 11 and I worked for him for almost 29 years. I was under his 12 command before I retired. He chose -- he changed his mind, was 13 going to run. I backed out from running. And he asked me to 14 come back and work for him. Long story short, he was killed in 15 a car crash much later, and then I was selected to run for 16 sheriff and got elected.</p> <p>17 Q. Okay. And so when were you elected sheriff in 18 Arizona?</p> <p>19 A. November of 2012.</p> <p>20 Q. And what -- is it a county that you're the sheriff 21 of?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. What county is that?</p> <p>24 A. Cochise, C-O-C-H-I-S-E.</p> <p>25 Q. And where is that?</p>	<p style="text-align: right;">Page 100</p> <p>1 Do you have an understanding that the -- there was statement 2 analysis or handwriting analysis done by someone affiliated 3 with Vidocq Society?</p> <p>4 A. Yeah, more -- it was -- I don't remember if it was 5 an audio or written or scribed, but there was an analysis done. 6 He gave us a copy of that.</p> <p>7 Q. And do you recall what kind of communication, 8 statements, audio, whose -- whose statements --</p> <p>9 A. It was an interview.</p> <p>10 Q. -- whose statements were analyzed?</p> <p>11 A. It was an interview with Nick McGuffin by -- I 12 believe it was by the previous chief.</p> <p>13 Q. Meaning the previous chief did an interview of Nick 14 McGuffin?</p> <p>15 A. Back in the day, yes.</p> <p>16 Q. Like soon after Leah Freeman's disappearance?</p> <p>17 A. My recollection, I think that there was only -- 18 yeah, I believe that's what it was. Yes.</p> <p>19 Q. And do you know who -- how many statement analyses 20 or audio analyses were done?</p> <p>21 A. I believe that's the only one, that I know of.</p> <p>22 Unless Mr. Frasier had something, but I think it was the only 23 one.</p> <p>24 Q. Just one analysis was done of one statement?</p> <p>25 A. I believe it -- I think we had an audio statement</p>
<p style="text-align: right;">Page 99</p> <p>1 A. It's in the southeast corner of Arizona just south 2 of -- south of Tucson, all the way over to New Mexico. Pretty 3 large county.</p> <p>4 Q. Was Vidocq Society, as an entity, ever authorized 5 by the Coquille Police Department to conduct any aspect of the 6 investigation with respect to the death of Leah Freeman?</p> <p>7 A. No. With the caveat, though, that the question -- 8 the thought of doing the handwriting sample -- I think it was 9 handwriting. Either voice or handwriting, I can't remember 10 which, but that -- I know we knew they were doing that, but 11 beyond that, I don't know of anything else.</p> <p>12 Q. Was Vidocq Society ever authorized by the Coquille 13 Police Department to interview any witnesses on behalf of the 14 Coquille Police Department with respect to the death of Leah 15 Freeman?</p> <p>16 A. No.</p> <p>17 Q. And was Vidocq Society ever authorized by the 18 Coquille Police Department to collect any physical evidence 19 with respect to the death of Leah Freeman?</p> <p>20 A. No. They were strictly a resource.</p> <p>21 Q. And was Vidocq Society ever compensated in any way 22 for any involvement they had with respect to the Leah Freeman 23 case?</p> <p>24 A. No.</p> <p>25 Q. You mentioned something about a statement analysis.</p>	<p style="text-align: right;">Page 101</p> <p>1 on Nick, yeah. But it was on -- I'm pretty -- pretty sure it 2 was on Nick that they did.</p> <p>3 Q. And do you know the author of the person who 4 actually performed the analysis? Do you know who that was?</p> <p>5 A. It was one of the Vidocq, but I don't remember his 6 name.</p> <p>7 Q. Do you know if that person was a Vidocq member?</p> <p>8 A. He was. He was there in Philadelphia.</p> <p>9 Q. And how do you know that was the person that 10 performed the analysis?</p> <p>11 A. That's a good question. I just assumed it was him. 12 But I'm pretty sure he said he was going to do it, so ... But 13 if somebody else did it on his behalf, I don't know that.</p> <p>14 Q. So did you talk to someone when you were in 15 Philadelphia who represented to you they would do some kind of 16 an analysis of a statement of Mr. McGuffin?</p> <p>17 A. I don't know if I personally talked to them or the 18 presentation brought that out and they said they were going to 19 do it. So I don't know how it came about, but I know it was 20 done.</p> <p>21 Q. Okay. And did you review that analysis?</p> <p>22 A. At the time I'm pretty sure I did.</p> <p>23 Q. And was there anything about that analysis that 24 changed the course of the investigation that the Coquille 25 Police Department did?</p>

Mark Dannels
September 01, 2023

<p style="text-align: right;">Page 106</p> <p>1 A. That is correct.</p> <p>2 Q. And so do you recall testifying at grand jury</p> <p>3 that -- telling the grand jury that you guys had spent a lot of</p> <p>4 time on this case and you were able to eliminate all other</p> <p>5 suspects? The only person you couldn't eliminate was</p> <p>6 Mr. McGuffin. Is that right?</p> <p>7 A. That is correct.</p> <p>8 Q. How did you eliminate Scott Hamilton?</p> <p>9 A. I'm sorry, what?</p> <p>10 Q. How did you eliminate Scott Hamilton?</p> <p>11 A. And, again, I would have to go back and -- again, I</p> <p>12 don't have a pure recollection and all that, but as a team we</p> <p>13 went through every name that was listed. Either we couldn't</p> <p>14 connect it, we couldn't put the person there -- and, again, I'm</p> <p>15 just putting common sense back on the table -- so we just</p> <p>16 never -- it never went anywhere. A lot of these names we just</p> <p>17 couldn't put anywhere to put them into the case, if that makes</p> <p>18 sense.</p> <p>19 Q. Okay. How about Kelly Crowder? Do you remember a</p> <p>20 person named Kelly Crowder?</p> <p>21 A. I don't even know that name. I don't remember that</p> <p>22 name.</p> <p>23 Q. Okay. And how about -- let's see. There's</p> <p>24 another -- Billy -- I can't think of Billy's last name. Bill</p> <p>25 Richardson. Do you know that name?</p>	<p style="text-align: right;">Page 108</p> <p>1 Second of all, it goes back to some of the people -- again,</p> <p>2 some of the people that were accused didn't even know Leah. We</p> <p>3 could never connect the two of them. We could never even find</p> <p>4 people that they were even together. So it was just going back</p> <p>5 to what's reasonable, and then it goes back to credibility too.</p> <p>6 So I'm not saying that everybody that we feel was connected</p> <p>7 wasn't credible. There's a lot of people that have character,</p> <p>8 but when it comes to this case, this is what we felt -- the</p> <p>9 team felt a consensus on.</p> <p>10 MR. LAUERSDORF: Okay. That's all of the questions</p> <p>11 I have.</p> <p>12 THE WITNESS: Thank you, Andrew.</p> <p>13 MS. HENDERSON: Any other follow-up, or are we good</p> <p>14 to go?</p> <p>15 MR. DAVIS: No more questions for me. Jesse Davis.</p> <p>16 Thank you.</p> <p>17 MS. SAWYER: No more questions for me.</p> <p>18 MR. DEFREEST: No more questions for me.</p> <p>19</p> <p>20 (WHEREUPON, the deposition ended at the hour</p> <p>21 of 4:43 p.m.)</p> <p>22</p> <p>23 -00-</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 107</p> <p>1 A. Bill Richardson. That one doesn't ring a bell</p> <p>2 either. Sorry, Andrew.</p> <p>3 Q. No worries.</p> <p>4 A. Bill Richardson. I don't recall that name.</p> <p>5 Q. So with regard to the people that you eliminated</p> <p>6 and where you weren't able to eliminate Mr. McGuffin, that</p> <p>7 elimination would have come down to essentially who you</p> <p>8 believed and who you didn't believe. Isn't that right?</p> <p>9 A. Well, it goes back to credibility. I believe I</p> <p>10 used those words. And the credibility to include reasonable --</p> <p>11 the reasonable man test law: Who had a motive? Who was there?</p> <p>12 Who was -- I mean, some of these people didn't even know Leah,</p> <p>13 even though their names were being thrown out there. I</p> <p>14 remember that. But, again, this was a consensus of everything</p> <p>15 we were asked to do, everything we felt the team should have</p> <p>16 done to prove, disprove, and then that information was given to</p> <p>17 Mr. Frasier for his choice, if he wants to go to grand jury.</p> <p>18 But based on what the team felt, that was one person we could</p> <p>19 not eliminate, was Nick McGuffin.</p> <p>20 Q. Okay. So if it comes down to credibility, then, is</p> <p>21 it that all of the people that were eliminated were credible,</p> <p>22 and the one person that couldn't be eliminated, Mr. McGuffin,</p> <p>23 was not credible in your mind?</p> <p>24 A. Well, what I'm saying is it's the totality of the</p> <p>25 circumstances. First of all, we had to find intent, a motive.</p>	<p style="text-align: right;">Page 109</p> <p>1 STATE OF OREGON)</p> <p>2 County of Douglas)</p> <p>3</p> <p>4 I, JEAN M. KOSTNER, Certified Shorthand Reporter for the</p> <p>5 State of Oregon, do hereby certify that:</p> <p>6 Pursuant to stipulation of counsel for the respective</p> <p>7 parties, hereinbefore set forth, MARK J. DANNELS appeared</p> <p>8 remotely before me at the time and place set forth in the</p> <p>9 caption hereof:</p> <p>10 That, at said time and place, I reported in stenotype</p> <p>11 all testimony adduced and oral proceedings had in the foregoing</p> <p>12 matter, to the best of my ability;</p> <p>13 That, thereafter, my notes were reduced to typewriting,</p> <p>14 and that the foregoing transcript, pages 1 through 108, both</p> <p>15 inclusive, constitutes a full, true, and correct transcript of</p> <p>16 all such testimony adduced and oral proceedings had and of the</p> <p>17 whole thereof.</p> <p>18 IN WITNESS WHEREOF, I have hereunto set my hand and CSR</p> <p>19 stamp this 13th day of September, 2023, in the City of</p> <p>20 Roseburg, County of Douglas, State of Oregon.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  <p>JEAN M. KOSTNER Certified Court Reporter CSR No. 90-0051</p>